

102.07 BIDDING REQUIREMENTS

Submit bids only using the Electronic Bid System (EBS) that generates the required Proposal, Schedule of Items, Disadvantaged Business Enterprise (DBE) requirements, and indicates acknowledgement of addenda if applicable.

- A. Distribution Procedures.** The Department will make electronic bid files, and addendum files available to prospective bidders. Bidders may obtain EBS packages free of charge from the Department's Contractor's System Internet Site, <http://www.mdt.mt.gov>. Hardcopy bid packages are available for a fee from the Contract Plans Bureau.
- B. Bidding Requirements.** Ensure bids submitted using the EBS format contain a Proposal guarantee, an EBS generated Proposal, Schedule of Items, and DBE requirements when applicable.

Ensure the EBS Schedule of Items is a single continuous printout for each individual bid, evidenced by all Schedule of Items sheets having the same check number. Written changes to the Schedule of Items, or a bidder's non-submission of every page from the Expedite Bid EBS file, (including all Schedule of Items pages and all DBE pages), automatically renders the bid non-responsive, and the bid will not be read or considered.

Acknowledge addenda using the amended EBS project file to generate the Proposal, Schedule of Items and DBE requirements. The printout indicates acknowledgment of receipt of addenda when the correct project file is used. Return a computer disk containing the complete project files for all projects bid with the bid package. It is the bidders responsibility to ensure that they acquire and apply addenda files when applicable.

- C. Determination of Bid Responsiveness.** Bids are opened at the designated time and inspected to determine if the following requirements are met:
- 1. Schedule of Items.** Unit Prices are provided for all required bid items. A complete and verifiable Schedule of Items is provided. Each sheet of the Schedule of Items must contain the same check number, to ensure that the unit bid prices correspond with the total. There are no written changes to the Schedule of Items.
 - 2. Proposal Guarantee.** The bid bond is on the most current version of the Department-furnished form; is signed and sealed in the proper places; a copy of the agent's Power of Attorney for the insurance company is attached; and contains the correct and complete project number; all signatures are original (stamped signatures are unacceptable). If using Bid Submission via Internet and Bid ExpressTM, a qualified Surety Company must verify the Contractor bond.

An electronic bid bond may be filed in lieu of completing the paper Bid Bond area of the Proposal Bid form. Submit on the most current Department-provided hard copy "Electronic Bid Bond Form" CPB 102_07

- 3. Addenda.** All addenda are acknowledged by using the correct electronic file.
- 4. Proposal.** The proposal is signed and notarized in the designated places or in acceptable digital format; and all signatures are original (stamped signatures are unacceptable).

A bid is non-responsive if any of the above requirements is not met.

For non-responsive bids, only the Contractor's name, and the reason for the non-responsiveness determination, will be announced at the letting. The Department retains non-responsive bids.

Submission of a bid is a statement by the bidder that sufficient time was available to adequately prepare a Proposal and conduct a complete investigation of the work site and all contract documents.

102.08 REJECTION OF BID PROPOSALS

The Commission reserves the right to reject bid Proposals, waive technicalities, or advertise for new Proposals.

A Proposal is irregular and will be rejected as non-responsive for any of the following:

- A. Failure to complete the appropriate bid bond form or Proposal, provided by MDT, by all specified persons, including notaries, in the correct blocks.
- B. There are unauthorized additions, conditional or alternate bids, or irregularities that make the bid package incomplete, indefinite, or ambiguous.
- C. The Proposals for two or more projects advertised separately are connected or made contingent one upon the other so that the Proposal for one project carries a provisional deduction in the bid price on one or more of the other projects.
- D. Any unauthorized provisions are added reserving the right to accept or reject an award or to enter into a contract pursuant to an award.
- E. More than one Proposal for the same work from an individual, firm, corporation, partnership, or joint venture under the same or different name is submitted using the same format. (See Subsection 102.10(B)(6)).
- F. Evidence of collusion among bidders exists. Participants in collusion will not receive recognition as bidders, either singly or as a joint venture, for future Department work until reinstated as qualified bidders.
- G. Bidder fails to properly complete and sign, by original signatures, on the most current Department-furnished Proposal and appropriate bid bond form. Stamped signatures are not authorized.
- H. Failure to acknowledge receipt of electronic addenda by using the correct electronic files.
- I. Failure to provide a complete Schedule of Items, or an unverifiable Schedule of Items. Each sheet of the Schedule of Items must contain the same check number, to ensure that the unit bid prices correspond with the total.
- J. The bidder does not submit all pages from the Expedite Bid EBS file.

A bid Proposal is considered irregular and may be rejected as non-responsive for any of the following:

- A. The Department-furnished Proposal is altered.
- B. Bidder fails to include a name and mailing address.
- C. The unit prices contained in the Proposal are mathematically and/or materially unbalanced.
- D. Information entered in the Proposal by the bidder is not legible.
- E. There are changes in the Proposal such as erasures, strikeouts, and whiteouts that are not initialed in ink.
- F. Non-compliance with the Disadvantaged Business Enterprise (DBE) requirements. If Bid Express™ Software indicates an error, the Department will determine if the Proposal is non-responsive.